



BOARD OF INQUIRY (*Human Rights Code*)

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IN THE MATTER OF the *Ontario Human Rights Code*, 1981, S.O. 1981, c.53, as amended;

AND IN THE MATTER OF the complaint by Mary Jean Lambert dated January 25, 1990, alleging discrimination in employment on the basis of sex by the Peel Board of Education.

B E T W E E N :

ONTARIO HUMAN RIGHTS COMMISSION

Commission

- and -

MARY JEAN LAMBERT

Complainant

-and-

PEEL BOARD OF EDUCATION

Respondent

DECISION

Adjudicator : Gerry K. McNeilly

Date : October 23, 1995

Board File No: 94-0025

Decision No : 95-046

IN THE MATTER OF the *Human Rights Code*, 1981, R.S.O., H.19;

AND IN THE MATTER OF the complaint made by Mary Jean Lambert dated January 25, 1990, alleging discrimination in employment on the basis of sex by the Peel Board of Education

BETWEEN:

ONTARIO HUMAN RIGHTS COMMISSION

Commission

-and-

MARY JEAN LAMBERT

Complainant

-and-

PEEL BOARD OF EDUCATION

Respondent

DECISION

Date of Complaint:	January 25, 1990
BOI File No.:	94-0025
Conference Call:	January 11, 1995
Commencement of Hearing on Conference Call	October 11, 1995
Board of Inquiry:	Gerry K. McNeilly

Appearances (Conference Call)

For the Commission:	Ms Cathryn Pike, Counsel
For the Respondent:	Mr. Roy C. Filion, Counsel

DECISION

This hearing comes before the Board of Inquiry (the "Board"), as a result of a complaint made by Mary Jean Lambert to the Ontario Human Rights Commission (the "Commission") dated January 25, 1990. The complaint alleges discrimination in employment on the basis of sex by the Peel Board of Education (the "Respondent").

The hearing commenced by conference call on January 11, 1995. The complainant was not a participant on the conference call. Numerous attempts have been made by Commission counsel to contact the complainant, both before and subsequent to the conference call without success. The Commission made attempts to contact the complainant as follows:

- telephone call on January 9, 1995 advising of the January 11, 1995 conference call;
- telephone calls on April 10, 13, 18, 19, May 4, 9 and 10, 1995;
- letters dated October 13, 1994, December 19, 1994, May 16, June 19 and 22, 1995;

The complainant did not respond to any of the telephone calls or letters.

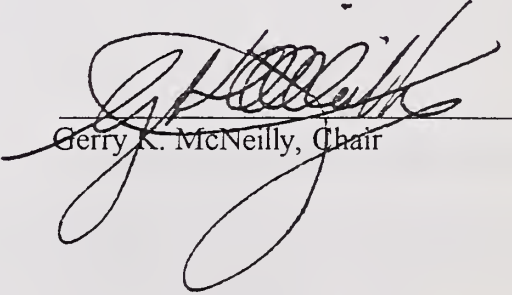
Pursuant to the Board's Practice Direction #1, the Commission served the complainant on September 1, 1995, both personally and by registered mail, with a letter dated August 31, 1995 detailing its attempts to locate and contact her. The letter also advised the complainant that if she did not respond within 10 days of receipt of the letter, that the Commission will bring a motion to dismiss the complaint.

No response having been received from the complainant, the 10 days from service having expired, the Commission brought this motion returnable October 11, 1995 for dismissal of the complaint.

Pursuant to Rule 43 of the Interim Rules of Practice of the Board of Inquiry, the motion was heard by means of a telephone conference call.

Having reviewed and considered material filed by counsel for the Commission and counsel for the respondent consenting, the motion for dismissal of the complaint is granted.

Dated: October 23/95


Gerry K. McNeilly, Chair